VISION IAS

www.visionias.in

GENERAL STUDIES (TEST CODE : 2071)

Name of Candidate	KABIL BHARGAVA		
Medium Eng./Hindi	ENGLISH	Registration Number	
Center		Date	16/08/2023

INDEX TABLE

Q. No.	Maximum Marks	Marks Obtained
1	10	
2	10	
3	10	
4	10	
5	10	
6	10	
7	10	
8	10	
9	10	
10	10	
11	15	
12	15	
13	15	
14	15	
15	15	
16	15	
17	15	
18	15	
19	15	
20	15	

Total Marks Obtained:

Remarks:

INSTRUCTIONS

1. Do furnish the appropriate details in the answer sheet (viz. Name, Registration Number and Test Code).
   उत्तर पुस्तिका में सूचनाएं भरना आवश्यक है (नाम, प्रश्न–पत्र कोड, विद्यार्थी क्रमांक आदि)।
2. There are **TWENTY** questions printed in **ENGLISH & HINDI**
   इसमें बीस प्रश्न हैं अंग्रेजी और हिन्दी में छपे हैं।
3. **All questions are compulsory.**
   सभी प्रश्न अनिवार्य हैं।
4. The number of marks carried by a question/part is indicated against it.
   प्रत्येक प्रश्न/भाग के अंक उसके सामने दिए गए हैं।
5. Answers must be written in the medium authorized in the Admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. No marks will be given for answers written in medium other that the authorized one.
   प्रश्नों के उत्तर उसी माध्यम में लिखे जाने चाहिए जिसका उल्लेख आपके प्रवेश पत्र में किया गया है और उस माध्यम का स्पष्ट उल्लेख प्रश्न–सह–उत्तर (क्यूसीए) पुस्तिका के मुख्य पृष्ठ पर अंकित निर्दिष्ट स्थान पर किया जाना चाहिए। उल्लिखित माध्यम के अतिरिक्त अन्य किसी माध्यम में लिए गए उत्तर पर कोई अंक नहीं मिलेंगे।
6. Word limit in questions, if specified, should be adhered to.
   प्रश्नों में शब्द सीमा, जहाँ विनिर्दिष्ट है, का अनुसरण किया जाना चाहिए।
7. Any page or portion of the page left blank in the Question-Cum-Answer Booklet must be clearly struck off.
   उत्तर पुस्तिका में खाली छोड़ा हुआ पृष्ठ या उसके अंश को स्पष्ट रूप से काटा जाना चाहिए।

VisionIAS

16-B, 2nd Floor, Above National Trust Building, Bada Bazar Marg, Old Rajinder Nagar, Delhi-110060

Plot No. 857, 1st Floor, Banda Bahadur Marg (Opp Punjab & Sindh Bank), Dr. Mukherjee Nagar Delhi- 110009

EVALUATION INDICATORS

1. Contextual Competence
2. Content Competence
3. Language Competence
4. Introduction Competence
5. Structure - Presentation Competence
6. Conclusion Competence

Overall Macro Comments / feedback / suggestions on Answer Booklet:

1.

2.

3.

4.

5.

6.

VisionIAS

All the Best

Don't write anything this margin (इस भाग में कुछ ना लिखें)

1. There are arguments that bills of national importance should be placed before the Inter-State Council prior to their introduction in the Parliament. Discuss in light of the issues that have been observed in the passage of bills in the Parliament in recent times. **(150 words) 10**

यह तर्क दिया जाता है कि राष्ट्रीय महत्व के विधेयकों को संसद में पुरःस्थापित किए जाने से पहले अंतर-राज्य परिषद के समक्ष रखा जाना चाहिए। हाल के दिनों में संसद में विधेयकों के पारित होने के दौरान अवलोकित मुद्दों के संदर्भ में चर्चा कीजिए।

In recent times, there has been a rise in combative federalism between centre and states due to issues seen as reducing state's autonomy.

Issues in passage of bills in recent times →

1) centre has unilaterally passed bills via Parliament, without states input even if subject seems to be in state list. ⇒ Farm laws, 2020 or affecting state's autonomy.
⇒ Increasing BSF jurisdiction in border states.

2) decrease in the amount of time debate is held on a bill

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

has reduced in 17th lok sabha. (LS)

3) No. of bills referred to standing committees has reduced.

Eg 25% in 16th LS whereas 71% in 15th LS.

4) government passing bills even as opposition stages protest.

5) passage of certain bills as money bills to avoid discussion in Rajya Sabha. Eg Aadhar Bill, 2017.

way forward → ① Need to use Inter-state council to discuss bills of national importance or federal importance or on concurrent list to increase stakeholder participation & cooperation.

② debate, discuss more in Parliament

③ refer to standing committees, take inputs on draft from public or experts.

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

2. Discuss the role played by the Directorate of Enforcement in the investigation of offence of money laundering and violations of foreign exchange laws. **(150 words) 10**

मनी लॉन्ड्रिंग के अपराध और विदेशी मुद्रा कानूनों के उल्लंघन की जांच में प्रवर्तन निदेशालय द्वारा निभाई गई भूमिका पर चर्चा कीजिए।

The Directorate of Enforcement (ED) derives it's powers from two laws:

1) Prevention of money laundering Act, 2002 (PMLA)

2) foreign exchange management Act, 1999 (FEMA).

Role played by ED →

1) monitors and investigates crimes related to money laundering.
eg Panama papers.

2) it also investigates violations of foreign exchange laws. eg misuse of liberalised remittance scheme.

3) it also conducts search and seizure of properties etc. owned

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

out of money laundering.

4) helps in international cooperation ⇒ FATF.
and domestic intelligence sharing on misuse of laundered money.
⇒ in terror finance, narcotics.

5) it helps to conduct investigations by use of modern technologies

Issues recently in ED's functioning

1) political targeting.
2) low conviction rate.
3) more proactive than reactive approach

Hence, need to make EDs functioning impartial, autonomous & efficient in order to help fulfil it's mandate to prevent illegal use of money and related activities.

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

3. The Indian Constitution has been successful in providing a framework for liberal democracy to flourish in India. Analyse. **(150 words) 10**
भारतीय संविधान भारत में उदार लोकतंत्र के विकास हेतु एक ढांचा प्रदान करने में सफल रहा है। विश्लेषण कीजिए।

The Indian Constitution has been successful in developing a democratic framework with liberal ideals like rights of individuals etc. and making India as one of the successful democracy.

Constitutions success in providing liberal democracy →

1) fundamental rights and their guarantees → right to freedom, equality, life, religion etc. → help in overall development.

2) provision of directive principles of state policy → ensuring social and economic democracy.

3) free and fair elections with equal

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

rights to contest and universal adult suffarage → ensuring political democracy.

4). independent judiciary → to act as guardian for violations of citizens rights and liberities.

5) giving autonomy to various areas in Art 371 and even special privileges to marginalised groups like tribes via 5th & 6th Schedule.

6) provisions for grassroot and participative democracy.

Hence, Indian Constitution via its framework of checks and balances and constitutional guarantees given a system to help each individual enjoy rights, actualise their potential & live freely.

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

4. The Central Information Commission plays a key role in empowering people through information. In this context, discuss the issues faced by it and suggest measures that are required to strengthen the institution.
(150 words) 10

केंद्रीय सूचना आयोग सूचना के माध्यम से लोगों को सशक्त बनाने में महत्वपूर्ण भूमिका निभाता है। इस संदर्भ में, इसके द्वारा सामना किए जाने वाले मुद्दों पर चर्चा कीजिए और इस संस्था को मजबूत करने के लिए आवश्यक उपायों का सुझाव दीजिए।

The Right to Information (RTI) Act, 2005 was passed with a view to empower citizens with information regarding government functioning to improve accountability, transparency and reduce corruption.

Issues faced by Central Information Commission (CIC) →

1) increasing pendency → due to lack of resources, vacancies etc.

2) RTI Amendment Act, 2019 → it reduced the independence and autonomy of CIC by empowering executive with it's terms & condition of tenure, removal etc.

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

3) lack of comprehensive database in department → especially delays in getting information from field offices.

4) lack of powers to enforce orders or get data when departments classify as been sensitive.

Measures to strengthen CIC →

1) strengthen autonomy & independence by forming multinister body for selection, constitutional status etc

2) empower them with resources to cover pendency; fill vacancies on time

3) use tech to improve efficiency

4) mechanisms to enforce its orders.

CIC

CIC is a crucial part for effective implementation of RTI Act and for responsive, citizen centric, corruption free governance structure.

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

5. What do you understand by the "principle of subsidiarity"? Discuss its importance in the context of India. **(150 words) 10**

"ममनुषंगिता के सिद्धान्त" से आप क्या समझते है? भारत के सदर्भ मे इसके महत्व की विवेचना कीजिए।

Principle of subsidiarity refers to the decentralisation of functions/responsibilities by one authority to a lower one to help in more responsive & effective functioning. Eg- India's 3tier governance structure brings democratic framework to grassroot via Panchayati Raj & Municipalities

Importance in context of India-

1) helps in grass root level development → by addressing local needs and building grassroot capabilities.

Don't write anything this margin
इस भाग में कुछ ना लिखें

2) helps in inclusive and representative governance structures

3) promotes balanced regional development.

4) promotes bottom up development approach. + stakeholder participation

5) ensuring democracy at grassroot
eg gram sabha and district planning committees.

Issues pertaining → 3Fs = funds, functions, functionaries
+ lack of capacity building & awareness
+ politicization etc.

Principle of subsidarity is a novel concept and will help to govern effectively a large and diverse country like India empowering country from grassroot to the top

Don't write anything this margin (इस भाग में कुछ ना लिखें)

6. Bringing out the differences between political parties and pressure groups, discuss how pressure groups play an important role in improving governance and democratic processes in India. **(150 words) 10**

राजनीतिक दलों और दबाव समूहों के बीच विद्यमान अंतरों को स्पष्ट करते हुए, चर्चा कीजिए कि भारत में शासन (गवर्नेंस) और लोकतांत्रिक प्रक्रियाओं को बेहतर बनाने में दबाव समूह कैसे महत्वपूर्ण भूमिका निभाते हैं।

Political parties and pressure groups both try to influence public opinion and governments policy for certain interest albeit in different ways and purposes.

difference between political parties (PP) and pressure group (PG) →

1) formation of government
→ PG = function from outside without forming government.
→ PP = contest elections and form government & policies

2) interests
→ PG = established for certain common interest of its members.
→ PP = establish & function to fulfil national interest, social welfare measures etc.

3) mode of working →

Don't write anything this margin (इस भाग में कुछ ना लिखें)

PG = use protests (kisan groups), petitions, or lobbying (MNCs)
PP = use constitutional measures.

4) support base → PG = certain groups like business associations or regional groups
→ PP = open to all, general public

role of PGs in improving governance and democratic processes →

1) help in improving governance structures by petitioning for certain policies helping businesses, workers etc.
2) form public opinion, raise public awareness improving democratic framework.
3) strengthen demands of people
4) help improve policies.

Hence, pressure groups play an important role in democratic frameworks. - improving governance & helping build social awareness

Don't write anything this margin (इस भाग में कुछ ना लिखें)

7. The practice of separation of powers in the Constitutional scheme of India and USA is distinct in its own way. Examine. **(150 words) 10**
भारत और यू.एस.ए. की संवैधानिक योजना में शक्तियों के पृथक्करण का कार्य अपनी व्यवस्था के अनुसार भिन्न है। परीक्षण कीजिए।

Separation of power is an important parameter in modern democratic government functioning, although they vary in certain aspects.

difference between India's & USA's separation of power

1) degree of separation
→ India follows partial separation with legislature accountable for executive etc.
→ USA has complete separation of power.

2) system of checks & balances
→ India has a system of checks and balances. ISP judicial review
→ USA has no check and balance. Each organ functions independently

3) Judicial appointments
→ India = collegium system (Judicial mechanism)
→ USA = executive and legislature appoint judges.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

4) Federal scheme
- India = single constitution, integrated judiciary
- USA = separate constitution, separate judiciary.

5) Supremacy
- India upholds supremacy of constitution.
- USA upholds supremacy of each organ in it's domain

6) Ordinance
- India has such power for extraordinary circumstance
- No such power in USA

Hence, Indian and USA separation of power has different constitutional scheme. Indian founding fathers focused more on responsible, representative and stability leading to inherent checks & balance

Don't write anything this margin (इस भाग में कुछ ना लिखें)

8. "The moral value of fundamental duties would not be to smother rights but to establish a democratic balance by making the people conscious of their duties equally as they are conscious of their rights". Discuss.

(150 words) 10

'मूल कर्तव्यों का नैतिक मूल्य अधिकारों का दमन करना नहीं होगा, बल्कि लोगों को अपने कर्तव्यों के प्रति उसी रूप में जागरूक बनाकर एक लोकतांत्रिक संतुलन स्थापित करना है, जिस प्रकार से वे अपने अधिकारों के प्रति जागरूक हैं।" चर्चा कीजिए।

42nd constitutional amendment, 1976 introduced the concept of fundamental (FDs) duties to foster a sense of responsibility in citizen towards nation and society.

FDs are not to smother rights →

1) not made a pre-requisite to enjoy rights.

2) FDs are non-justiciable → cannot by used by state to subdue rights.

3) not an interference to FRs but act as an enabler to achieve social harmony, promote excellence.

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

FDs establish a democratic balance by making people conscious of duties.

1) they have been made complementary to the rights enjoyed.
2) fulfilling duties will help in true and democratic functioning of society and realisation of rights.
3) they invoke consciousness in citizens for their role in nation building
4) help courts evaluate the constitutionality of certain laws & acts.
5) help improve citizens capability.

Rights and duties are in harmony with each other and also complement their functioning
Fundamental duties are made non-justiciable but invoke consciousness in society for their abiding.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

9. Discuss the impact of the proclamation of National Emergency on Fundamental Rights in India. Also, highlight the various Supreme Court judgments in this context. **(150 words) 10**

भारत में मूल अधिकारों पर राष्ट्रीय आपात की उद्घोषणा के प्रभाव की विवेचना कीजिए। साथ ही, इस संदर्भ में उच्चतम न्यायालय के विभिन्न निर्णयों को रेखांकित कीजिए।

Article 352 of Indian Constitution empowers the President (on aid & advice of CoM) to issue declaration for National (NE) emergency, which has wideranging impacts on Indian democratic structure (rights, federalism etc.)

Impact of proclamation of NE on fundamental rights (FRs) →

1) Art 19 automatically gets suspended on proclamation → in region & for period on which NE remains.

2) other rights (excluding Art 20 & 21) are suspended by an ordinance mentioning rights suspended, duration etc. by president.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

3) here, the rights themselves are not suspended → but the right to move to court for enforcement is suspended.

Supreme court judgements →

1) ADM jabalpur case, 1975 → fundamental rights of political detainees can also be suspended.

2) Minerva Mills case, 1980 → upheld constitutionality of National emergency suspension of FRs

→ But, only those laws protected which are relevant to emergency.

Hence, National emergency has adverse impact on rights of citizens. So, sufficient safeguards are needed for it's imposition like introduced by 44th amendment to safeguard democratic ideals

Don't write anything this margin
(इस भाग में कुछ ना लिखें)

10. The Seventh Schedule is a relic from the colonial past inherited from the Government of India Act, 1935 which needs to be revisited for improving Centre-state relations. Discuss. **(150 words) 10**

सातवीं अनुसूची भारत सरकार अधिनियम, 1935 से विरासत में मिले औपनिवेशिक अतीत का एक ऐसा अवशेष है, जिसका केंद्र-राज्य संबंधों में सुधार के लिए पुनरीक्षण किये जाने की आवश्यकता है। विवेचना कीजिए।

Seventh schedule of Indian Constitution consists of division of powers between centre and states based on 3 lists - union, state and concurrent.

Issues with 7th schedule ->

1) more number of subject with centre -> even after independence, subject were moved out of state list.

2) supremacy of central laws in concurrent list.

3) centre has power to enact laws even in state lists. (eg) resolution by Rajyasabha.

4) more social responsibilities in state list but less financial

Don't write anything this margin (इस भाग में कुछ ना लिखें)

or revenue generating sources

5) doesn't cater to local needs effectively

6) even residuary subjects are made part of Union list.

Measures to revise the 7th schedule-

1) need to review the subjects esp. fiscal responsibilities by a Constitution review group.

2) states approval and discussion via forums like Interstate council are needed in cases of concurrent list subjects.

3) restrict centre power to formulate on state list.

4) residuary subject to be divided based on national or local impact.

7th schedule in current form is Archaic and needs revision to support Indian democratic ethos and reflect contemporary need.

Don't write anything this margin
(इस भाग में कुछ ना लिखें)

11. Technology has the potential to bring drastic changes in the field of law and transform the court system. In this context, discuss the need for digitization of Indian judiciary and challenges faced in this regard. **(250 words) 15**

प्रौद्योगिकी में कानून के क्षेत्र में व्यापक बदलाव लाने और न्यायिक प्रणाली को रूपांतरित करने की क्षमता विद्यमान है। इस संदर्भ में, भारतीय न्यायपालिका के डिजिटलीकरण की आवश्यकता और इस संबंध में सामना की जाने वाली चुनौतियों पर चर्चा कीजिए।

Indian judicial system has been facing certain challenges like accessibility, pendency etc. to which technology offers innovative and efficient solutions

Need for digitization of Judiciary →

1) improve in administrative functions
→ like sending court updates, case notifications, analyse performance data etc.

2) will help reduce pendency
→ June, 2023 → >5cr cases pending in all courts.
→ technology can improve efficiency. club cases, use AI/ML for simple cases etc.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

3) will improve accessibility, affordability to justice. eg remote area access.

4) help in using different case laws and references in fast manner.

5) can function even in situations like Covid-19 Pandemic.

6) various organs of criminal justice system like police, judiciary, prison can be linked → faster document sending, video conference statement etc

challenges to digitization of Judiciary

1) lack of infrastructure → <0.04% GDP spent on judicial infra; >50% court don't have video conference facilities

2) lack of technical expertise of judges and judicial staff → use tech. as mere modern typewriters

3) digital divide & digital illiteracy

Don't write anything this margin (इस भाग में कुछ ना लिखें)

4) data privacy issues in sensitive cases of rape etc.

5) cyber attacks, hacking → can lead to manipulation of evidence or court judgements.

6) judges not able to see body language accused etc. → affects judgement

government initiatives
- → e-courts mission mode project
- → improving judicial infra
- → e-Prisons linking CCTNS.
- → e-judiciary framework by CJI.

Hence, digitization has the potential to revolutionize judicial functioning by transforming functioning → improving efficiency, transparency, accessibility but challenges should be addressed.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

12. Even after three decades of constitutional amendments, India is yet to decentralise power to local self-government institutions in the true sense. Discuss. Do you agree with the view that Rashtriya Gram Swaraj Abhiyaan will be able to develop the governance capabilities of the Panchayati Raj Institutions (PRIs)? **(250 words) 15**

संवैधानिक संशोधनों के तीन दशकों के बावजूद, भारत में अभी भी स्थानीय स्व-शासन की संस्थाओं का वास्तविक अर्थों में शक्तियों का विकेंद्रीकरण किया जाना शेष है। चर्चा कीजिए। क्या आप इस विचार से सहमत है कि राष्ट्रीय ग्राम स्वराज अभियान पंचायती राज संस्थाओं (PRIs) की शासन (गवर्नेंस) क्षमताओं को विकसित करने में सक्षम होगा?

India enacted 73rd and 74th constitutional amendment Acts, 1992 to decentralise power and make Indian democracy work at grass root level in true sense.

Issues remain after 3 decades of decentralisation →

1) improper devolution of funds
→ low capacity to raise revenue
→ state finance commission not setup regularly.

2) lack of functions: many state

Don't write anything this margin (इस भाग में कुछ ना लिखें)

legislature have not devolved the functions mentioned in 11th, 12th schedule

3) lack of functionaries: dependent on bureaucracy and state govt for resources → indifferent.

4) politicization of local self government

5) influence of caste, religion in functioning reducing accountability

6) lack of infrastructure and training of elected representatives.

Rashtriya gram Swaraj Abhiyan (RGSA) has been launched to address these issues and make local self governments (LSG) function effectively.

1) training of elected representatives

Don't write anything this margin (इस भाग में कुछ ना लिखें)

and staff of LSG.

2) capacity building of PRIs in e-governance, addressing local issues etc

3) empowerment of marginalised communities and even women to help them perform properly.

4) infrastructure development

Hence, RGSA has the potential to give much needed impetus to PRIs to help them function responsibility and transform local self government into true democracies at grassroot level to fulfil local aspirations

VisionIAS

Don't write anything in this margin (इस भाग में कुछ ना लिखें)

13. With 98% coverage in rural India, cooperatives are the mainstay of rural economy ensuring sustainable livelihoods and income for people. Discuss. Also, state the recent initiatives taken by the government to improve the functioning of cooperative societies and make them more effective.

(250 words) 15

ग्रामीण भारत में 98% कवरेज के साथ, सहकारी समितियां ग्रामीण अर्थव्यवस्था का मुख्य आधार हैं जो लोगों के लिए स्थायी आजीविका और आय सुनिश्चित करती हैं। चर्चा कीजिए। साथ ही, सहकारी समितियों के कामकाज में सुधार तथा उन्हें और अधिक प्रभावी बनाने के लिए सरकार द्वारा हाल ही में प्रारंभ की गई पहलों का उल्लेख कीजिए।

Cooperative movement in India has been an important mainstay of rural development and of marginalised communities by addressing their issues and empowering them.

Importance of cooperatives in rural India →

1) help in employment generation

→ By forming farming cooperatives, enterprises, pooling resources and creating local employment demand

Don't write anything in this margin (इस भाग में कुछ ना लिखें)

2) empowering rural economy.

eg Amul empowering dairy farmers.

- helping in improving business by market linkage etc.

3) training and capacity building

4) access to formal financial intermediaries. eg NABARD helping agriculture cooperatives.

5) helping women in social issues like domestic violence tackle eg Meira Paibos and forming economic help eg SEWA.

Issues in rural cooperatives →

1) politicization and casteism.

2) lack of adoption of modern tech.

3) reducing access to formal credit and rising NPAs.

4) not able to purse economy of scale

Don't write anything this margin (इस भाग में कुछ ना लिखें)

government initiatives to help →

1) separate Ministry of cooperatives to strengthen policy. vision etc.
2) improving RBI supervision by removing dual control.
3) schemes for skill development and capacity building
4) Multistate coop society amendment bill → regular elections, independent director, revival sick cooperatives etc.
5) quota in public procurement.

Hence, government has taken appreciable steps in strengthening cooperative movement in the country which will help to further rural development and promote sustainable livelihood

VisionIAS

Don't write anything this margin
(इस भाग में कुछ ना लिखें)

14. Governance of inter-state rivers in India suffers from various issues due to conflictual federalism. Discuss. Also, highlight the mechanisms which can be utilised to resolve inter-state river water disputes in India.

(250 words) 15

भारत में अंतर्राज्यीय नदियों का प्रबंधन परस्पर विरोधी संघवाद के कारण विभिन्न समस्याओं से ग्रस्त है। चर्चा कीजिए। साथ ही, उन तंत्रों को रेखांकित कीजिए जिनका उपयोग भारत में अंतर-राज्यीय नदी जल विवादों को हल करने के लिए किया जा सकता है।

India has many inter-state rivers which has been suffering from combative federalism for its use, sharing and development.

Issues in inter state river governance →

1) Politicization of issue for sowing regionalism and using for vote bank politics

2) rising populations and water demand, coupled with climate change has led to more pressure on rivers.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

3) long pendency in river dispute tribunals ⇒ cauvery dispute took 28 years → and then contested in supreme court.

4) non-implementation of award given by tribunals.

5) lack of cooperation between neighbouring states/areas for mutual benefit.

mechanisms which can be used to resolve Inter-state river disputes →

1) discussion and settlement between states directly.

2) using River boards setup under River board Act, 1956.

3) Parliament can setup an inter-state river dispute tribunal if states decide. ⇒ Mahanadi dispute

Don't write anything this margin (इस भाग में कुछ ना लिखें)

tribunal, Cauvery dispute tribunal.

4) states can even take matter to courts → Supreme court.

Way forward → 1) have cooperative federalism.

2) fast tribunal functioning

3) implement awards in letter & spirit

4) river training, conservation and water efficient techniques to be followed.

Due to climate change and rising water demand of populations, river disputes can take wrong turns. Need to resolve them amicably and function as different units smoothly, since part of same nation & share common identity

Don't write anything this margin (इस भाग में कुछ ना लिखें)

15. A dysfunctional criminal justice system, absence of well-considered legislation and need for domain expertise, are being seen as the new challenges for the Indian judiciary. Discuss. **(250 words) 15**

एक दोषपूर्ण आपराधिक न्याय प्रणाली, सुविचारित कानून की अनुपस्थिति और डोमेन विशेषज्ञता की कमी को भारतीय न्यायपालिका के लिए नई चुनौतियों के रूप में देखा जा रहा है, चर्चा कीजिए।

Indian judiciary's case pendency has reached 5 crore at all tiers which shows the dilapidating state of Indian justice system

Many reasons are felt for this:

dysfunctional criminal justice system →

1) police investigation has been slow due to low use of modern technology like forensic etc.

2) poor investigation and chargesheet eg in North east delhi riot case.

3) political-criminal nexus &

Don't write anything this margin (इस भाग में कुछ ना लिखें)

criminalisation of politics leading to pressure on crime investigation.

4) misuse of certain laws like UAPA.

5) huge vacancies in police force and lack of modern infrastructure

absence of well considered legislation →

1) eg liquor law, Bihar → flooded jails to Bihar over capacity + resulted in huge pendency of case in Patna high court.

2) eg tax laws like restrospective tax in Vodafone case.

3) poorly drafted laws leave loopholes → misused by people → later resulting in disputes.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

Absence of domain experts →

1) leads to poor judgements → leading to appeals → increasing pendency

2) experts can form laws and comprehend, implement them better → absence creates issues.

3) lack of domain experts leads to wrong sentences and delay in giving judgements

Need to address the above issues since all the organs of state must improve their domains of laws, enforcement and judgement to reform judicial functioning and repose trust of citizen in judicial ability.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

16. To what extent has the anti-defection law been able to address the issue of political instability in India? Discuss with suitable arguments.

(250 words) 15

दल-बदल विरोधी कानून भारत में राजनीतिक अस्थिरता के मुद्दे को किस हद तक हल करने मे सक्षम रहा है? उपयुक्त तर्कों के साथ चर्चा कीजिए।

52nd Constitutional amendment (CAA) Act, 1985 is famously referred to as Anti-defection law, which was further strengthened by 91st CAA, 2003 to stop the issue of MPs/MLAs switching parties and support after elections.

Success of Anti-defection law →

1) reduced political defections and horse trading, which flourished in 1980s in almost every election.

2) parties have been able to issue

Don't write anything this margin (इस भाग में कुछ ना लिखें)

whips and enforce conformity on important issues.

3) strengthened citizens trust in voting and accountability of MLAs.

But, not all is well →

1) Mass defections (> 2/3rd) party legislators have still been able to defect

eg operation Lotus, Karnataka

eg change in leadership since 2020 in Maharashtra legislative assembly.

2) smaller parties have been more vulnerable ∵ 2/3rd in their legislator is easy to achieve.

3) speakers decisions have been delayed and contentious ⇒ not helping stop defections.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

Eg Rajasthan speaker pending defection application till next election.

Ways to strengthen Anti-defection further → 1) proper SOP and timeline for speaker to implement judgements.

2) implement 2nd ARC recommendation on defection.

3) re-election of such legislators should be prohibited.

Defections reduce trust of public in electoral democracy and reduces accountability of legislators. Need to strengthen anti-defection law further to maintain political stability and improve democratic functioning

Don't write anything this margin (इस भाग में कुछ ना लिखें)

17. Though the Indian Constitution provides a clear division of legislative powers between the Union and states with each being supreme within the spheres allotted to them, this division is tilted towards the Union. In this context, discuss the powers of the Parliament to legislate on subjects in the State List. (250 words) 15

यद्यपि, भारतीय संविधान संघ और राज्यों के बीच विधायी शक्तियों के स्पष्ट विभाजन का प्रावधान करता है, जिनमें से प्रत्येक उन्हें आवंटित क्षेत्रों में सर्वोच्च हैं, तथापि यह विभाजन संघ की ओर झुका हुआ है। इस संदर्भ में राज्य सूची के विषयों पर कानून बनाने की संसद की शक्तियों की विवेचना कीजिए।

7th schedule of Indian constitution refers to the legislative division of power between union and states – via union list, concurrent list and state list.

This division is tilted towards centre: → union list having more subjects especially financial

→ union laws prevails over state in concurrent subjects.

→ Parliament can even form laws on state subjects but reverse not possible

Don't write anything this margin (इस भाग में कुछ ना लिखें)

Powers of parliament to legislate on state subjects →.

1) Rajya Sabha can pass a motion authorising Parliament to legislate on state subject (2/3rd present & voting) in national interest. This law is valid on passed subject. and remains in force for 1 year.

2) two or more states requesting Parliament to form a law on state subject with then state legislative assembly approval.
→ such laws remain in force till parliament wants & state lose power to legislate.

3) during National emergency, Parliament

Don't write anything this margin (इस भाग में कुछ ना लिखें)

can legislative on any state subject → remains in force till 6 months after emergency or if state remains earlier after emergency.

4) during state emergency / President's rule, parliament can pass laws on state subjects → they stay in force till the state assembly removes them

Hence, the division of power is tilted in Parliaments favour. This was felt necessary to preserve unity and integrity of India But, shouldn't be misused to ensure federal spirit in true sense and form harmony between various units of government

Don't write anything this margin (इस भाग में कुछ ना लिखें)

18. Despite the benefits of wider representation of women in the judiciary, Indian courts have significantly fewer women as compared to men. Discuss. Also, suggest some measures to bridge the gender gap in Indian judiciary.
(250 words) 15

न्यायपालिका में महिलाओं के व्यापक प्रतिनिधित्व के लाभों के बावजूद, भारतीय न्यायालयों में पुरुषों की तुलना में महिलाओं की संख्या काफी कम है। चर्चा कीजिए। साथ ही, भारतीय न्यायपालिका में लैंगिक अंतराल को कम करने के लिए कुछ उपायों का सुझाव दीजिए।

Indian judiciary's women representation is abysmally low ~6% in supreme court, ~11% in High courts.

benefits of more women representation

1) bring diversity of views to the table due to differing experiences (feminisation of judiciary).

2) sensitization in judgements
eg Bombay HC reckless judgement on rape body to body contact.

3) women victims will feel more comfortable and accessible

Don't write anything this margin (इस भाग में कुछ ना लिखें)

4) role model for society and young women lawyers

Reasons for low women in judiciary

1) opaque collegium system processes in selection

2) young women lawyers drop out from service due to discrimination or family responsibility
→ low options for promotion.

3) lack of women specific infrastructure in courts → ~23% courts only have women toilets.

4) patriarchial attitude of bar etc

5) lack of role models → No women judge has been CJI.

Measures to bridge gender gap

Don't write anything this margin (इस भाग में कुछ ना लिखें)

in Judiciary →

1) representation / reservation of atleast 33% must be considered.

2) changing criteria for women judges in collegium to suit their situations.

3) more promotion of district judges to higher judiciary.

4) providing proper infrastructure for women judges.

Gender gap in judiciary must be addressed for inclusive, diverse views and making system more responsive, transparent and accessible. Above mentioned reforms must be taken to address situation.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

19. Elaborate on the fundamental aspects in which the Indian Constitution differed from its contemporaries despite being a post-colonial document **(250 words) 15**

उत्तर-औपनिवेशिक दस्तावेज होने के बावजूद भारतीय संविधान के उन मूलभूत पहलुओं का सविस्तार वर्णन कीजिए, जिनके संदर्भ में यह अपने समकालीन संविधानों से भिन्न था।

India Constitution, though charged of being borrowed from many sources, still is unique adapted to Indian needs and has stood the test of time.

difference of Indian constitution from it's contemporaries →

1) granting universal adult suffrage since inception.

2) special status for many states via article 370 and 371 etc.

3) blend of Judicial supremacy of USA and parliamentary

Don't write anything this margin (इस भाग में कुछ ना लिखें)

supremacy of Britain → India upheld Constitutional supremacy.

4) respecting rights of tribal areas via 5th and 6th schedules etc

5) positive affirmation for certain sections → like SCs, STs, women etc

6). adopting federalism like USA but with a unitary bias to protect sovereignty and integrity of nation.
⇒ single citizenship. emergency provisions etc

7) giving right to freedom of religion as fundamental rights by Articles 25-28.

Don't write anything this margin (इस भाग में कुछ ना लिखें)

8) blend of rigid constitution of USA and flexible of British, to protect fundamental ideals while also address changing needs.

9) various constitutional bodies to act as bulwark - UPSC, CAG, election commission etc.

10) providing directive principles of state policy as guidance to government.

Hence, Indian constitution has been different from it's contemporaries although being a post colonial document by suitably addressing and adapting to Indian needs in unique & innovative ways.

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

20. The tribunalisation of justice though considered to be an effective step is fraught with several challenges. Discuss in light of the Law Commission of India's report on the working of tribunals in India. **(250 words) 15**

हालांकि, न्याय के ट्रिब्यूनलीकरण को एक प्रभावी कदम माना जाता है, लेकिन इसमें कई चुनौतियां भी विद्यमान हैं। भारत में अधिकरणों की कार्यपद्धति पर भारत के विधि आयोग की रिपोर्ट के आलोक में चर्चा कीजिए।

Tribunals in India has been established via Articles 323-A and 323-B to reduce the workload of judiciary but have faced certain challenges.

Need of tribunals in justice delivery →.

1) faster justice → since don't follow all court rules and rely on principles of natural justice as well.

2) include experts → hence, judgements are more apt → leading to less appeals.

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

3) help in reduce pendency of courts.

4) avoid legal luminaries and justice becomes more affordable and accessible.

5) have applied alternate dispute resolution in an effective and efficient manner.

Challenges in functioning of tribunals →

1) interference in appointment from respective ministries → reducing independence.

2) against principle of separation of power (Judiciary & executive)

3) increase in no. of vacancies leading to delay

VisionIAS

Don't write anything this margin (इस भाग में कुछ ना लिखें)

4) lack of proper ~~recos~~ infrastructure provided.

5) not present regionally or in remote locations → reducing accessibility

law commission recommendations to improve tribunal functioning

1) make centralised & independent appointments to reduce biasness

2) provide security of tenure etc.

3) proper infrastructure & availability in more locations.

4) fill vacancies in time bound manner.

5) adoption of technology like data analytics, AI to fast track process

6) more emphasis on ADRs to resolve disputes amicably & reduced appeals

Hence, law commissions recommendations to be followed to make tribunals truly effective and help in improving justice delivery system.

VisionIAS